

M07-09 96

JP:EAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

- against -

HUSSEIN SALEH,

Defendant.

REMOVAL TO THE
WESTERN DISTRICT OF
OF NEW YORK

(Fed. R. Crim. P. 5)

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

BRIAN HURWITZ, being duly sworn, deposes and states that he is a Special Agent with Immigration and Customs Enforcement ("ICE"), duly appointed according to law and acting as such.

Upon information and belief, on or about September 11, 2007, a warrant was issued by the United States District Court for the Western District of New York commanding the arrest of the defendant HUSSEIN SALEH pursuant to an indictment for conspiracy to traffic in counterfeit merchandise, in violation of Title 18, United States Code, Section 371.

The source of your deponent's information and the grounds for his belief are as follows:

1. On or about September 11, 2007, the defendant HUSSEIN SALEH was charged in an indictment in the Western District of New York with conspiracy to traffic in counterfeit merchandise, in violation of Title 18, United States Code, Section 371. A copy of the indictment is attached hereto.

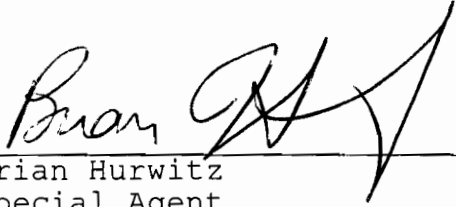
2. A warrant for the arrest of the defendant HUSSEIN SALEH was issued by a Clerk of the Court for the United States District Court for the Western District of New York, on or about September 11, 2007, in connection with the indictment. A copy of the warrant is attached hereto.

3. Through surveillance and ICE and DMV records checks, ICE learned that the defendant HUSSEIN SALEH was residing at 6823 Ridge Boulevard, Apartment 6, Brooklyn, New York.

4. On September 11, 2007, ICE agents went to 6823 Ridge Boulevard, Apartment 6, Brooklyn, New York, and observed an individual matching a photograph of the defendant HUSSEIN SALEH provided by other ICE agents. The defendant stated that his true name was "Hussein Sara." The defendant was advised of, and waived, his Miranda rights and stated in sum and substance that he was the individual wanted in the warrant and named in the

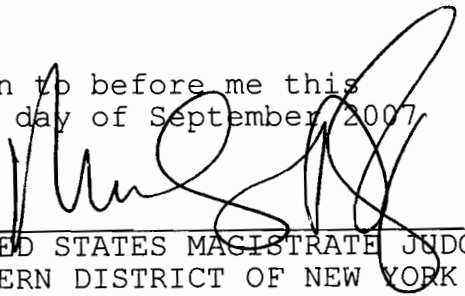
indictment. The defendant was subsequently arrested.

WHEREFORE, it is requested that the defendant HUSSEIN SALEH be removed to the Western District of New York so that they may be dealt with according to law.



Brian Hurwitz
Special Agent
ICE

Sworn to before me this
12th day of September 2007.



UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

IN THE DISTRICT COURT OF THE UNITED STATES

For the Western District of New York

**MAY 2007 GRAND JURY
(Impaneled May 4, 2007)**

THE UNITED STATES OF AMERICA

-VS-

**MALIK BAZZI,
WANG HE BIN, a/k/a JULIE WANG,
a/k/a HE BIN HUANG WANG,
HUANG YUE FENG, a/k/a CHARLIE,
XU HANG WANG, a/k/a HENRY,
CORTEZ D. WATERS, a/k/a TEZ,
a/k/a NATURE,
MORICIA WATERS,
ABDULWALI K SIDDIQ, a/k/a ABDUL
WALI KASHI SUDDIG, a/k/a
ANTHONY BRINSON,
RICK RODGERS,
NICHOLAS MALLORY,
NASSER RACHID,
HUSSEIN SALEH,
ABBAS NAIM,
VICTOR Last Name Unknown
(hereinafter, "LNU"),
LAKEITH FOWLER, a/k/a KEITH,
GREG SMILEY,
WILLIAM DENTON, a/k/a WILLIAM
DENTON WOODSON,
DAVION BRIANT,
MARK MILLER,
TYRONE FLOWERS,
KIM TILLINGHAST,
LING ZHEN HU,
XIAO CHENG LIN,
TERESA FUNG, a/k/a HUA YEN FUNG,**

Defendants.

Violations:

07 CR 212

**Title 18, United States Code,
Section 371 (Conspiracy)
Title 18, United States Code,
Section 2320 (Trafficking in
Counterfeit Goods)**

(4 Counts and Forfeitures)

SEALED

IN THE DISTRICT COURT OF THE UNITED STATES

For the Western District of New York

ORIGINAL
RECEIVED AND FILED
UNITED STATES DISTRICT COURT CLERK
WESTERN DISTRICT OF NEW YORK

SEP 11 2007

BY: 

MAY 2007 GRAND JURY
(Impaneled May 4, 2007)

THE UNITED STATES OF AMERICA

-VS-

07 CR 212A

MALIK BAZZI,
WANG HE BIN, a/k/a JULIE WANG,
a/k/a HE BIN HUANG WANG,
HUANG YUE FENG, a/k/a CHARLIE,
XU HANG WANG, a/k/a HENRY,
CORTEZ D. WATERS, a/k/a TEZ,
a/k/a NATURE,
MORICIA WATERS,
ABDULWALI K SIDDIQ, a/k/a ABDUL
WALI KASHI SUDDIG, a/k/a
ANTHONY BRINSON,
RICK RODGERS,
NICHOLAS MALLORY,
NASSER RACHID,
HUSSEIN SALEH,
ABBAS NAIM,
VICTOR Last Name Unknown
(hereinafter, "LNU"),
LAKEITH FOWLER, a/k/a KEITH,
GREG SMILEY,
WILLIAM DENTON, a/k/a WILLIAM
DENTON WOODSON,
DAVION BRIANT,
MARK MILLER,
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TERESA FUNG, a/k/a HUA YEN FUNG,

Violations:

Title 18, United States Code,
Section 371 (Conspiracy)
Title 18, United States Code,
Section 2320 (Trafficking in
Counterfeit Goods)

(4 Counts and Forfeitures)

Defendants.

The Grand Jury Charges:

A. INTRODUCTION

At all times material to this Indictment:

1. Nike, Inc. ("Nike"), is a corporation with principal offices located in the State of Oregon.

2. Nike is involved in the business of designing, marketing, and distributing a wide variety of athletic footwear and sportswear. Products designed, marketed, and distributed by Nike meet strict quality control standards.

3. Nike limits sales of its products to Nike approved vendors and Nike owned retail outlets, in order to ensure that its products are presented in a manner that protects the Nike brand and its trademarks.

4. As defined in federal law, a trademark is any word, name, symbol, or device or any combination thereof, used by a person to distinguish his or her goods, including a unique product, from that manufactured or sold by others and to indicate the source of the goods.

5. A "registered trademark," as defined in federal law, is a trademark registered in the United States Patent and Trademark Office according to law.

6. Nike products, including footwear, bear a number of registered trademarks ("marks") registered on the principal register of the United States Patent and Trademark Office. These trademarks included, among others, the Nike "Swoosh," the name "Nike," and the word "Nike" and the "Swoosh" together.

7. At all times relevant to this Indictment, a "counterfeit mark," as defined in federal law, is a spurious mark that is used in connection with trafficking in goods, services, boxes, and packaging of any type which is identical to, or substantially indistinguishable from, a mark registered for those goods, or consists of a box or packaging of any type or nature that is designed, marketed, or otherwise intended to be used on or in connection with the goods; for which the mark is registered in the United States Patent and Trademark Office, and the use of which is likely to cause confusion, to cause mistake, or to deceive.

8. Selling merchandise with counterfeit marks harms many innocent victims, including:

- a. the holder of the registered trademark, who loses, at a minimum, the sale price of goods bearing the counterfeit mark, and also, potential future sales due to the inferior quality of counterfeit merchandise;
- b. authorized retailers who cannot compete with the prices offered by persons selling counterfeit goods;
- c. employees of such registered trademark holders and retailers; and
- d. unwitting consumers who purchase inferior merchandise.

COUNT ONE
(Conspiracy to Traffic in Counterfeit Goods)

9. The factual allegations set forth in the Introduction of this Indictment are hereby repeated and incorporated herein by reference.

10. From sometime prior to April, 2007, the exact date being to the Grand Jury unknown, through in or about the date of the Indictment herein, in the Western District of New York and elsewhere, the defendants,

MALIK BAZZI,
WANG HE BIN, a/k/a Julie Wang, a/k/a He Bin Huang Wang,
HUANG YUE FENG, a/k/a Charlie,
XU HANG WANG, a/k/a Henry,
CORTEZ D. WATERS, a/k/a Tez, a/k/a Nature,
MORICIA WATERS,

ABDULWALI K SIDDIQ, a/k/a Abdul Wali Kashi Suddig,
a/k/a Anthony Brinson,
RICK RODGERS,
NICHOLAS MALLORY,
NASSER RACHID,
HUSSEIN SALEH,
ABBAS NAIM,
VICTOR LNU,
LAKEITH FOWLER, a/k/a Keith,
GREG SMILEY,
WILLIAM DENTON, a/k/a William Denton Woodson,
DAVION BRIANT,
MARK MILLER,
TYRONE FLOWERS,
KIM TILLINGHAST,
LING ZHEN HU,
XIAO CHENG LIN,
TERESA FUNG, a/k/a Hua Yen Fung,

and others, known and unknown, did knowingly and willfully conspire and agree, together and with each other, to commit an offense against the United States; namely, to intentionally traffic and attempt to traffic in goods, to wit: footwear, while knowingly using, on and in connection with such goods, counterfeit marks of Nike, in violation of Title 18 U.S.C. Section 2320.

THE DEFENDANTS' CRIMINAL SCHEME

11. Commencing sometime prior to April, 2007, the exact date being unknown to the Grand Jury, through the date of this Indictment, the defendants and others, both known and unknown, devised and engaged in a criminal scheme to traffic in millions of dollars of footwear bearing counterfeit Nike marks. The scheme

involved defendants WANG HE BIN, HUANG YUE FENG, and XU HANG WANG importing containers with hundreds of thousands of pairs of footwear bearing counterfeit Nike marks made and shipped from locations located within the People's Republic of China. Upon arrival of the merchandise in the United States, the footwear bearing counterfeit Nike marks was distributed to BAZZI, and others, who with RACHID, SALEH, NAIM and VICTOR sold the footwear to large retailers located in various cities in the United States. CORTEZ WATERS, MORICIA WATERS, SIDDIQ, RODGERS, MALLORY, FOWLER, SMILEY, DENTON, BRIANT, MILLER, FLOWERS, and TILLINGHAST received and thereafter sold the footwear bearing counterfeit Nike marks in Buffalo, Niagara Falls, and Rochester, New York; Milwaukee, Wisconsin; Chicago, Illinois; Pittsburgh, Pennsylvania; Pawtucket, Rhode Island; Dallas, Texas; and in the State of Georgia. LING ZHEN HU XIAO and CHENG LIN also supplied BAZZI and others with massive quantities of footwear bearing counterfeit Nike marks, which sneakers were also then distributed to conspirators. Among other things, FUNG used the offices of The UPS Store, 328 8th Avenue, New York, New York, in furtherance of the above criminal scheme.

OVERT ACTS

12. The defendants committed the following overt acts, among others, within the Western District of New York:

13. On or about April 14, 2007, CORTEZ WATERS told a person whose name is known to the Grand Jury, in sum and in substance, to go to the store owned by RICK RODGERS on Pine Avenue to purchase sneakers bearing counterfeit Nike marks.

14. On or about April 15, 2007, CORTEZ WATERS told MALIK BAZZI, in sum and in substance, that he would drive to New York City tomorrow to pick up his next order of sneakers bearing counterfeit Nike marks.

15. On or about April 24, 2007, MALIK BAZZI shipped 994 pairs of sneakers bearing counterfeit Nike marks to CORTEZ WATERS in Buffalo, New York.

16. On or about April 24, 2007, MORICIA WATERS and CORTEZ WATERS discussed, among other things, and in sum and substance, that they were receiving a large shipment of sneakers bearing counterfeit Nike marks from BAZZI, and that in the future, they may need to start using a different address.

17. On or about April 27, 2007, CORTEZ WATERS received at 79 Peace Street, Buffalo, New York, 994 pairs of sneakers bearing counterfeit Nike marks, which had been shipped by MALIK BAZZI.

18. On or about May 5, 2007, CORTEZ WATERS and ABDULWALI SIDDIQ transported a large quantity of sneakers bearing counterfeit Nike marks from New York City to Buffalo, New York.

19. On or about May 24, 2007, CORTEZ WATERS possessed a large quantity of sneakers bearing counterfeit Nike marks in Buffalo, New York.

20. On or about June 3, 2007, CORTEZ WATERS and ABDULWALI SIDDIQ traveled from Buffalo, New York to New York City for the purpose of purchasing from MALIK BAZZI large quantities of sneakers bearing counterfeit Nike marks.

21. On or about June 7, 2007, CORTEZ WATERS and NICK MALLORY sold sneakers bearing counterfeit Nike marks.

22. On or about June 18, 2007, CORTEZ WATERS told NICK MALLORY, among other things, and in sum and substance, that he will receive new products the following week, and that he made \$9,000 this week.

23. On or about August 16, 2007, CORTEZ WATERS and ABDULWALI SIDDIQ traveled from Buffalo, New York to New York City to purchase from MALIK BAZZI sneakers bearing counterfeit Nike marks.

24. On our about August 17, 2007, CORTEZ WATERS told MALIK BAZZI, among other things, and in sum and substance, that a guy called the police on him for the sneakers, to which BAZZI replied that WATERS should be careful.

All in violation of Title 18, United States code, Section 371.

COUNT TWO

25. The factual allegations contained within paragraphs 1-8 of the Introduction to this Indictment are realleged and incorporated herein by reference.

26. On or about April 27, 2007, in the Western District of New York and elsewhere, the defendants,

MALIK BAZZI,
CORTEZ D. WATERS, a/k/a Tez, a/k/a Nature, and
MORICIA WATERS,

did intentionally traffic and attempt to traffic in goods, specifically, footwear, and knowingly used counterfeit marks on and in connection with such goods, which counterfeit marks were

identical with and substantially indistinguishable from genuine marks in use and registered for those goods on the principal register in the United States Patent and Trademark Office, and the use of which marks is likely to cause confusion, to cause mistake, and to deceive.

In violation of Title 18, United States Code, Sections 2320(a) and 2.

COUNT THREE

27. The factual allegations contained within paragraphs 1-8 of the Introduction to this Indictment are realleged and incorporated herein by reference.

28. On or about May 24, 2007, in the Western District of New York and elsewhere, the defendants,

MALIK BAZZI,
CORTEZ D. WATERS, a/k/a Tez, a/k/a Nature, and
ABDULWALI K SIDDIQ, a/k/a Abdul Wali Kashi Suddig,
a/k/a Anthony Brinson,

did intentionally traffic and attempt to traffic in goods, specifically, footwear, and knowingly used counterfeit marks on and in connection with such goods, which counterfeit marks were identical with and substantially indistinguishable from genuine

marks in use and registered for those goods on the principal register in the United States Patent and Trademark Office, and the use of which marks is likely to cause confusion, to cause mistake, and to deceive.

In violation of Title 18, United States Code, Sections 2320(a) and 2.

COUNT FOUR

29. The factual allegations contained within paragraphs 1-8 of the Introduction to this Indictment are realleged and incorporated herein by reference.

30. On or about June 7, 2007, in the Western District of New York and elsewhere, the defendant,

CORTEZ D. WATERS, a/k/a Tez, a/k/a Nature, did intentionally traffic and attempt to traffic in goods, specifically, footwear, and knowingly used counterfeit marks on and in connection with such goods, which counterfeit marks were identical with and substantially indistinguishable from genuine marks in use and registered for those goods on the principal register in the United States Patent and Trademark Office, and the

use of which marks is likely to cause confusion, to cause mistake, and to deceive.

In violation of Title 18, United States Code, Sections 2320(a) and 2.

FORFEITURE ALLEGATION

The Grand Jury Further Alleges:

31. As a result of committing the foregoing offenses alleged in Count 1 of this Indictment, the defendants, MALIK BAZZI, WANG HE BIN a/k/a JULIE WANG a/k/a HE BIN HUANG WANG, HUANG YUE FENG, a/k/a CHARLIE, XU HANG WANG, a/k/a HENRY, CORTEZ D. WATERS, a/k/a TEZ, a/k/a NATURE, MORICIA WATERS, ABDULWALI K SIDDIQ, a/k/a ABDUL WALI KASHI SUDDIG, a/k/a ANTHONY BRINSON, RICK RODGERS, NICK MALLORY, NASSER RACHID, HUSSEIN SALEH, ABBAS NAIM, VICTOR Last Name Unknown (hereinafter "LNU"), LAKEITH FOWLER, a/k/a KEITH, GREG SMILEY, WILLIAM DENTON, a/k/a WILLIAM DENTON WOODSON, DAVION BRIANT, MARK MILLER, LING ZHEN HU, TERESA FUNG, a/k/a HUA YEN FUNG, and each of them jointly and severally, shall forfeit to the United States any property, real or personal, which constitutes or is derived from proceeds traceable to an offense constituting specified unlawful activity, to wit, Title 18, United States Code, Section 2320 or a

conspiracy to commit such offense, including but not limited to the following:

MONETARY AMOUNT

The sum of approximately \$3,504,046.00 in United States currency.

FINANCIAL ACCOUNTS

As to defendant LAKEITH FOWLER:

- A. The contents and monies contained within JP Morgan Chase Bank Account Number 721118651 in the name of Lakeith Fowler d/b/a The World is Yours Inc., having a balance as of September 7, 2007 of \$21,824.94.
- B. The contents and monies contained with Northwestern Mutual Life Insurance Company Variable Annuity Policy number 17816564 in the name of Lakeith Fowler, having a balance as of September 6, 2007 of \$23,735.76.

COUNTERFEIT PROPERTY AND ARTICLES

All counterfeit sneakers and shoe products bearing or consisting of counterfeit Nike markings.

SUBSTITUTE ASSETS

If any of the property described in subsection (a) of this section, as a result of any act or omission of the defendant;

- 1.) cannot be located upon the exercise of due diligence;
- 2.) has been transferred or sold to, or deposited with, a third party;
- 3.) has been placed beyond the jurisdiction of the court;
- 4.) has been substantially diminished in value; or
- 5.) has been commingled with other property which cannot be divided without difficulty;

the court shall order the forfeiture of any other property of the defendants up to the value of the property sought forfeited including but not limited to the following:

REAL PROPERTY

As to defendant NASSER RACHID:

- A. The premises and real property with its buildings, improvements, fixtures, attachments and easements, known as 64 Eileen Drive, Cedar Grove, New Jersey; that is, all that tract or parcel of land, situate in the Town of Cedar Grove, County of Essex and State of New Jersey and more particularly described in a certain deed dated April 5, 2007, and recorded in Liber 12045 of deeds at page 4821 of the Essex County Clerk's Office.
- B. The premises and real property with its buildings, improvements, fixtures, attachments and easements, known as 10404 Coyote Cub Avenue, Las Vegas, Nevada, 89129; that is, all that tract or parcel of land, situate in the city of Las Vegas, Clark County and State of Nevada and more particularly described in a certain deed dated October 12, 2004, and recorded in document number 20041028-0007041 of the Clark County Clerk's Office.
- C. The premises and real property with its buildings, improvements, fixtures, attachments and easements, known

as 10429 Coyote Cub Avenue, Las Vegas, Nevada, 89129; that is, all that tract or parcel of land, situate in the city of Las Vegas, Clark County and State of Nevada and more particularly described in a certain deed dated October 12, 2004, and recorded in document number 20041025-0003398 of the Clark County Clerk's Office.

As to defendants WANG HE BIN, a/k/a JULIE WANG, a/k/a HE BIN HUANG WANG and HUANG YE FENG, a/k/a CHARLIE:

- A. The premises and real property with its buildings, improvements, fixtures, attachments and easements, known as 417 Bradley Avenue, Staten Island, New York, 10314; that is, all that tract or parcel of land, situate in the city of Staten Island, County of Richmond and State of New York and more particularly described in a certain deed dated December 7, 2005, and recorded in Liber 17312 of Deeds at Page 91 of the Richmond County Clerk's Office.

As to defendant LAKEITH FOWLER:

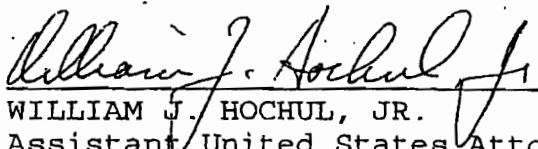
- A. The premises and real property with its buildings, improvements, fixtures, attachments and easements, known as 3110 Thomas Avenue, Unit 1123, Dallas, Texas, 75204;

that is, all that tract or parcel of land, situate in the city of Dallas, County of Dallas and State of Texas and more particularly described in a certain deed dated May 5, 2006, and recorded in document number 200600170500 of the Dallas County Clerk's Office.

All pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 28, United States Code, Section 2461(c) and Title 21, United States Code, Section 853(p).

DATED: Buffalo, New York, September 11, 2007.

TERRANCE P. FLYNN
United States Attorney


BY: WILLIAM J. HOCHUL, JR.
Assistant United States Attorney
United States Attorney's Office
Western District of New York
138 Delaware Avenue
Buffalo, New York 14202
716-843-5700, ext. 887
william.hochul@usdoj.gov

A TRUE BILL:


FOREPERSON

AO 442 (Rev. 5/93) Warrant for Arrest

United States District Court

WESTERN

DISTRICT OF

NEW YORK

UNITED STATES OF AMERICA

v.

HUSSEIN SALEH

SEALED**WARRANT FOR ARREST****CASE NUMBER: 07-M**To: The United States Marshal
and any Authorized United States Officer**07 CR 212**YOU ARE HEREBY COMMANDED to arrest HUSSEIN SALEH

Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

(X)Indictment ()Information ()Complaint ()Order of Court ()Violation Notice ()Probation Violation Petition

charging him or her with (brief description of offense)


conspiracy to traffic in counterfeit merchandise

all in violation of Title 18 United States Code, Section(s) 371RODNEY C. EARLY

Name of Issuing Officer

CLERK OF THE COURT

Title of Issuing Officer



Signature of Issuing Officer

September 11, 2007, Buffalo, N.Y.

Date and Location

Bail fixed at \$

by

Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant at

DATE RECEIVED

NAME AND TITLE OF ARRESTING OFFICER

SIGNATURE OF ARRESTING OFFICER

DATE OF ARREST